



Docket No.: 249971US6CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/790,126  
Applicants: Erich BAYER  
Filing Date: March 2, 2004  
For: OTOPLASTY FOR BEHIND-THE-EAR (BTE)  
HEARING AIDS  
Group Art Unit: 2646  
Examiner: HARVEY, Dionne

SIR:

Attached hereto for filing are the following papers:

**Election of Species**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

James D. Hamilton  
Registration No. 28,421



DOCKET NO: 249971US6CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
ERICH BAYER : EXAMINER: HARVEY, DIONNE  
SERIAL NO: 10/790,126 :  
FILED: MARCH 2, 2004 : GROUP ART UNIT: 2646  
FOR: OTOPLASTY FOR BEHIND-THE- :  
EAR (BTE) HEARING AIDS :

ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 13, 2005, please note the following  
remarks:

**Remarks/Arguments** begin on page 2 of this paper.